

SENATE BILL 231

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2004 Regular Session
4r0456

By: **Senators Jacobs, Harris, and Hooper**
Introduced and read first time: January 28, 2004
Assigned to: Education, Health, and Environmental Affairs
Reassigned: Judicial Proceedings, February 2, 2004

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Harford County and Cecil County - Bookstores and Entertainment Venues -**
3 **Minors**

4 FOR the purpose of requiring a person who operates certain bookstores and
5 entertainment venues in Harford County and Cecil County to verify in a certain
6 manner the age of each individual entering the premises; prohibiting a person
7 who operates certain bookstores and entertainment venues from allowing a
8 minor to remain on the premises; and generally relating to bookstores and
9 entertainment venues in Harford County and Cecil County.

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Law
12 Section 11-102 and 11-103
13 Annotated Code of Maryland
14 (2002 Volume and 2003 Supplement)

15 BY adding to
16 Article - Criminal Law
17 Section 11-104.1
18 Annotated Code of Maryland
19 (2002 Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Criminal Law**

2 11-102.

3 (a) A person may not knowingly sell or offer to sell to a minor:

4 (1) a picture, photograph, drawing, sculpture, motion picture, film, or
5 other visual representation or image of an individual or portion of the human body
6 that depicts sadomasochistic abuse, sexual conduct, or sexual excitement;

7 (2) a book, magazine, paperback, pamphlet, or other written or printed
8 matter however reproduced, that contains:

9 (i) any matter enumerated in item (1) of this section;

10 (ii) obscene material; or

11 (iii) explicit verbal descriptions or narrative accounts of
12 sadomasochistic abuse, sexual conduct, or sexual excitement; or

13 (3) a sound recording that contains:

14 (i) obscene material; or

15 (ii) explicit verbal descriptions or narrative accounts of
16 sadomasochistic abuse, sexual conduct, or sexual excitement.

17 (b) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
19 \$1,000 or both.

20 11-103.

21 (a) This section applies to a motion picture show or other presentation,
22 whether animated or live, that wholly or partly:

23 (1) depicts or reveals:

24 (i) sadomasochistic abuse;

25 (ii) sexual conduct; or

26 (iii) sexual excitement; or

27 (2) includes obscene material or explicit verbal descriptions or narrative
28 accounts of sexual conduct.

29 (b) For monetary consideration or other valuable commodity or service, a
30 person may not knowingly:

1 (1) exhibit to a minor without the presence of the minor's parent or
2 guardian a motion picture show or other presentation described in subsection (a) of
3 this section;

4 (2) sell to a minor an admission ticket or other means to gain entrance to
5 a motion picture show or other presentation described in subsection (a) of this section;
6 or

7 (3) admit a minor without the presence of the minor's parent or guardian
8 to premises where a motion picture show or other presentation described in
9 subsection (a) of this section is exhibited.

10 (c) A person who violates this section is guilty of a misdemeanor and on
11 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
12 \$1,000 or both.

13 11-104.1.

14 (A) IN HARFORD COUNTY AND CECIL COUNTY, A PERSON WHO OPERATES A
15 BOOKSTORE OR ENTERTAINMENT VENUE IN WHICH AN ITEM OR ACTIVITY
16 DESCRIBED IN § 11-102 OR § 11-103 OF THIS SUBTITLE IS SHOWN, DISPLAYED, OR
17 DEPICTED AND CONSTITUTES A MAJORITY OF THE ITEMS OR ACTIVITIES OFFERED
18 FOR SALE OR RENTAL BY THE BOOKSTORE OR ENTERTAINMENT VENUE:

19 (1) SHALL REQUIRE EACH INDIVIDUAL UPON ENTERING THE PREMISES
20 TO DISPLAY A DRIVER'S LICENSE OR AN IDENTIFICATION CARD THAT
21 SUBSTANTIATES THE INDIVIDUAL'S AGE; AND

22 (2) MAY NOT ALLOW A MINOR TO REMAIN ON THE PREMISES.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
24 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR
25 A FINE NOT EXCEEDING \$1,000 OR BOTH.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2004.